

CONSUMER PROTECTION AND GOVERNMENT OPERATIONS of the Suffolk County Legislature

Minutes

A regular meeting of the Consumer Protection and Government Operations Committee was held in the Rose Y. Caracappa Auditorium at the William Rogers Building, Veterans Memorial Highway, Hauppauge, New York on January 23, 2001 at 9:30 a.m.

MEMBERS PRESENT:

Legislator Cameron Alden, Chairman
Legislator Michael D'Andre
Legislator Andrew Crecca

EXCUSED ABSENCE:

Legislator Fred Towle, Vice Chair

ALSO IN ATTENDANCE:

Warren Greene, Aide to Legislator Cameron Alden
Charles Gardner, Department of Consumer Affairs
Bruce Dragonette, Department of Consumer Affairs
Phil Bauccio, Labor Relations
Meghan O'Reilly, Legislative Liaison to Presiding Officer Paul Tonna
Tom Donovan, Aide to Presiding Officer Paul Tonna
Bonnie Godsman, County Executive's Office
Lance Reinheimer, Budget Review Office
All Interested Parties
Irene Kulesa, Legislative Secretary

(The meeting came to order at 9:45 a.m.)

CHAIRMAN ALDEN:

Good morning. We're going to start the Consumer Protection Committee and we're going to do that with the Pledge and we're going to have Phil Bauccio lead us in the Pledge of Allegiance.

SALUTATION

CHAIRMAN ALDEN:

We don't have any cards but I'm going to ask Charlie if he can come up and just give us a little -- how are we doing with the oil prices and heating oil and stuff like that?

MR. GARDNER:

Good morning.

CHAIRMAN ALDEN:

Good morning.

MR. GARDNER:

Good morning and members of the committee. The latest -- this is the first time in quite a while that we've had consecutive decreases in both the price of gasoline and fuel oil. That's the good news. You know the bad news is if you compare it to where we're still way above where we were a year ago but let's just talk about the immediate recent past and focus on the good news. So gasoline, the average in the County is approximately a dollar sixty a gallon right now. Our latest gasoline survey is just about two weeks old. The fuel oil survey was taken just the other day and it's down to approximately a dollar fifty a gallon. Last year at this time, the average was a dollar thirty-six a gallon. So again, we're higher than we were but consecutive decreases, first time in a long time.

LEGISLATOR D'ANDRE:

And that's the heating oil a dollar fifty?

MR. GARDNER:

Pardon?

LEGISLATOR D'ANDRE:

Where is the heating oil a dollar fifty?

MR. GARDNER:

What do you mean Mike? Where?

LEGISLATOR D'ANDRE:

Where is it priced a dollar fifty?

MR. GARDNER:

Well, it says lower. There are some places; the lowest price is a dollar eighteen, nine. A dollar eighteen, nine. The highest is a dollar seventy-nine, nine. The average is a dollar forty-nine.

LEGISLATOR D'ANDRE:

Out of the States of America?

MR. GARDNER:

In this County.

LEGISLATOR D'ANDRE:

You've got to be kidding. I haven't found it.

MR. GARDNER:

Yes, a dollar eighteen, nine.

LEGISLATOR D'ANDRE:

You should give us a list.

MR. GARDNER:

We have it. We have it. You have to understand our survey is very comprehensive. It covers fifty-three companies, which is approximately 25 five percent of all the companies doing business and it's a mix of full service and COD. You're not going to get a dollar eighteen, nine from a full service company with a contract and twenty four hour a day, seven day a week service.

LEGISLATOR D'ANDRE:

It says a dollar fifty.

MR. GARDNER:

There are many companies selling it for less than a dollar fifty right now, if you want to take the COD with no service and no contract.

LEGISLATOR D'ANDRE:

We pay in ten days.

CHAIRMAN ALDEN:

Charlie, are we seeing any of the -- like the shortages and things like that, that we saw last year?

MR. GARDNER:

Two weeks ago, we were having sporadic closings of the Northville Terminals. The old Northville Terminals both in Riverhead and Holtsville. They were either closing early in the afternoon or not opening until early in the afternoon but we haven't seen that in the past week or so.

CHAIRMAN ALDEN:

Good. Okay.

LEGISLATOR D'ANDRE:

Mr. Chairman, I can call Charlie before I order my oil?

CHAIRMAN ALDEN:

Absolutely. Give him a call.

LEGISLATOR D'ANDRE:

These are the prices that you projected here?

MR. GARDNER:

Yes.

LEGISLATOR D'ANDRE:

That's wonderful, Charlie.

MR. GARDNER:

Yes, we have. Well, we don't sell them. We just record it.

LEGISLATOR D'ANDRE:

I understand you, Charlie.

MR. GARDNER:

Yes, there are quite a few companies that, you know, you can get two hundred-gallon delivery, a hundred fifty-gallon delivery at quite a bit less than a buck and a half.

LEGISLATOR D'ANDRE:

Because it's been so high so long.

MR. GARDNER:

Yes.

LEGISLATOR D'ANDRE:

The reasons, I don't begin to understand. That guy in Washington went on vacation and left everybody hanging.

MR. GARDNER:

Well, as you say, it's been so high so long that's part of the good news, bad news. But if you look at the survey, we have now gone from a dollar sixty-two, five to a dollar fifty-four, two

to a dollar forty nine, six. So consecutive decreases like that is good news. Gasoline, the lowest in the County is a buck forty-four a gallon and especially right in your area, Legislator D'Andre. Some of the lowest gasoline prices in Suffolk County are on the strip, Jericho Turnpike from Smithtown to Commack, some of the lowest gasoline in the County.

LEGISLATOR D'ANDRE:

I haven't looked around but I don't doubt it, Charlie.

MR. GARDNER:

There's a good healthy price war.

LEGISLATOR D'ANDRE:

But gee whiz, that's -- you're quoting good prices, Charlie. I don't know if that's for consumer consumption or consumer edification.

MR. GARDNER:

Well, again, gasoline has just steadily decreased since -- really since the fall, it's just been going down. It topped out -- we were up about a buck seventy-eight a gallon and down, as I said, about a dollar sixty now.

LEGISLATOR D'ANDRE:

I believe you, Charlie. I just found it out.

LEGISLATOR CRECCA:

Charlie, do you know any reason for the gas prices, natural gas prices staying so high?

MR. GARDNER:

Well, other than the, you know, tried and trite supply and demand, you know, that's really what they keep going back to, supply and demand.

LEGISLATOR CRECCA:

Okay.

MR. GARDNER:

We don't have to -- as, you know, it's more the PSC other than us that has jurisdiction but yes, supply and demand.

Now, I just got back from a meeting where, again, it's kind of it's good news, bad news. There are people who are paying natural gas prices that have quadrupled and quintupled. Now, the good news is that our prices have maybe only doubled but it's because they were

much higher than these other places in other parts of the country were. What we're talking about places that last year at this time were paying about seventy five to eighty cents a gallon and are now paying two dollars and fifty cents. Well, when they were paying seventy-five and eighty, we were paying a buck forty, a buck fifty.

LEGISLATOR CRECCA:

Right.

MR. GARDNER:

So you know, it's all around about the same level now. You know ours only doubled. Theirs quadrupled, you know. So it kind of leveled it out.

LEGISLATOR CRECCA:

Thanks, Charlie.

MR. GARDNER:

You're welcome.

CHAIRMAN ALDEN:

Charlie, since -- I've made a little bit of an inquiry and I had the Comptroller's Office working on it. A couple articles appeared in the papers about the sales tax.

MR. GARDNER:

Yes.

CHAIRMAN ALDEN:

Have you gotten any calls on complaints on that?

MR. GARDNER:

When we do, we refer them to either one or both the County or the State Taxation Finance Units.

CHAIRMAN ALDEN:

Okay.

MR. GARDNER:

Because we don't -- we do not pretend to understand the complexities of all the things that are taxed and untaxed and you know, fruit juice and not fruit juice and medicated and not medicated. We have the booklets on it and we can answer some general questions but if there are allegations of overcharges relating to sales tax, we refer those to the proper offices.

CHAIRMAN ALDEN:

Good. I understand you're on about another little bit of a scam and you did a great job. Last night you were on, what was it, Dateline?

MR. GARDNER:

Yes, we feel pretty good about that because we got -- we feel some pretty real solid positive publicity for Suffolk County. We had our office conduct an operation and during the month of November, we rented a house in this area. We were there for the full 30 days. We had, as a result of that, there were fifty violations issued based under our licensing laws. But one of the parts of our operation focused on chimney sweeps because of complaints we had, had from Suffolk County consumers, as well as from other jurisdictions complaining to us about chimney sweeps based in this area and working in their County without licensing laws. It just so happened, at the time, we were getting ready to conduct the operation, Dateline was referred to us from some other States, Massachusetts and Pennsylvania, in particular. Their State Offices referred Dateline to the County of Suffolk. They wanted to know if they could kind of go along with us and I felt that in this situation where we were focusing on chimney sweeps, a lot of what they do is, for instance, up on a roof and you don't really have the chance to see what they are doing.

CHAIRMAN ALDEN:

Right.

MR. GARDNER:

So we allowed Dateline to set up audio and video and it was a tremendous help to us because we were able -- normally we would have been a he said, she said, oh you were up there and you know, you didn't even stick to brush down -- oh no, we did. How are you going to prove it? Well, we were able to prove it very easily by using Dateline's audio and Dateline's video. We collected more than fifteen thousand dollars in penalties for the County. Several people are now -- their licenses are -- well they haven't been revoked because they promised to -- they gave us an assurance of full compliance with the laws but they are conditional right now, so that if there are any future problems it will be much easier for us to revoke their license. All of those penalties, by the way, that were assessed, have already been collected.

CHAIRMAN ALDEN:

Great.

MR. GARDNER:

So these aren't promises and all in all, it was a great operation and I thought last night's show was -- I was very impressed. They did a very, very good job with it.

CHAIRMAN ALDEN:

I want to complement you, on the record too for a job well done.

LEGISLATOR D'ANDRE:

This whole committee compliments you.

MR. GARDNER:

Thank you. I mean, I thank you very much. It's the staff. They did a great job.

LEGISLATOR D'ANDRE:

Well, somebody's got to run the staff, Charlie.

MR. GARDNER:

They worked evenings. They worked weekends. We made contact with Bell Atlantic, Verizon. We were able to get a cell phone without going through the normal hassle of a contract, because we don't have any -- they call them hello phones. You know we don't have any private phones in the office and even if you did, you have to be available to answer the phone in the evenings when you're calling a contractor. What most of them will say oh, well, we'll call you back at six o'clock, you know, set up. So we had to have the ability to respond. So Verizon helped us out with that cell phone. We had our people work evenings and weekends to meet the contractors for the estimates and to be there.

CHAIRMAN ALDEN:

I'm going to amend that to -- we compliment you and your staff for a great job. Well done.

MR. GARDNER:

Thank you very much.

LEGISLATOR CRECCA:

Charlie?

CHAIRMAN ALDEN:

Legislator Crecca.

LEGISLATOR CRECCA:

Are cell phones something that you need, in order to continue this type of work?

MR. GARDNER:

Yes but I think that we're okay. In other words, we work very closely with Verizon.

LEGISLATOR CRECCA:

All right, great.

MR. GARDNER:

So that you know, we -- in other words they didn't give it to us for free but we were able to do it without signing a contract, without getting into a lot of paper work and then we paid for the phone calls that we had to make using it. That goes into the cost of the investigation. In other words, the amount of money that we paid to rent a house, for instance, now for the month, the amount of money that we paid to all the contractors that came out, who either did work or we paid for their estimates. We paid to set up an oil burner and have oil burner repairmen come to it. We paid for the phone, etc., etc., etc., that came to about -- when you add all of that up, we probably spent about thirty five hundred dollars for the month out of our investigative funds. I mean, as I said, we collected over fifteen thousand dollars in penalties, not to mention the fact that of the new licensees who come in now, they see that and they say whoops I better get down there and comply.

LEGISLATOR CRECCA:

That's great. We hope you continue --

MR. GARDNER:

I mean, a cost benefit, you know, just straight money, we come out way ahead on that.

LEGISLATOR CRECCA:

We hope you continue this. I would think -- I speak to the committee when I say we hope you continue these type of sting operations.

LEGISLATOR D'ANDRE:

It's not the money. It's the fact that you call one -- and to keep out of here -- or to straighten up.

MR. GARDNER:

Yes.

LEGISLATOR D'ANDRE:

That's the thing.

MR. GARDNER:

So I appreciate the thought about the cell phone but I think, if we can continue our relationship with Verizon, where if we need it for the month, you know, we can get it and not have to be County equipment or anything. We'll just give back to them.

LEGISLATOR CRECCA:

You also have different phone numbers in every time.

MR. GARDNER:

That's correct. That's correct. Yes, because we used to do that. We used to have a dedicated line in the office but then -- so after five o'clock, you know, there's nobody there. So that's why we really -- we said you know what? We need a cell phone for this and again, Verizon helped us out with that.

LEGISLATOR D'ANDRE:

Home run, Charlie.

MR. GARDNER:

Thank you.

CHAIRMAN ALDEN:

Thanks. Okay, we're going to go to the agenda. I'm going to note that Legislator's Crecca, D'Andre and Alden are here. Legislator Fred Towle is actually almost right around the corner but there's a bad accident on Vets Highway. So I'm going to give him an excused absence until such time as he can make it here but he is stuck in traffic right now and there is a bad accident. So we're going to go to Tabled Resolution IR 1579. I'm going to make a motion to table that again, seconded by Legislator Crecca. All those in favor? Opposed? Any Abstentions? Okay, that's tabled again.

TABLED RESOLUTIONS:

I.R. NO. 1579-00 Adopting Local Law No. 2000, a Local Law to ban discriminatory zone pricing of gasoline in Suffolk County. ASSIGNED TO CONSUMER PROTECTION & GOVERNMENT OPERATIONS. (Legislator Cameron Alden)

VOTE: 3-0-0-1 TABLED

CHAIRMAN ALDEN:

Introductory Resolutions, we've got IR 2310.

LEGISLATOR D'ANDRE:

Motion to table Mr. Chairman.

CHAIRMAN ALDEN:

Motion to table by Legislator D'Andre, second by Legislator Crecca. All those in favor? Opposed? That's tabled.

INTRODUCTORY RESOLUTIONS:

I.R. NO. 2310-00 Approving the appointment of Robert J. Kohlmeyer as a member of the Suffolk County Electrical Licensing Board. ASSIGNED TO CONSUMER PROTECTION & GOVERNMENT OPERATIONS (County Executive)

VOTE: 3-0-0-1 TABLED

CHAIRMAN ALDEN:

And that's to give an opportunity to this appointee to come before us and actually show us what he's doing and just tell us and give us the opportunity to question him a little bit. The rest of these are tabled subject to call and unless anybody wants to pull anything up from the tabled subject to call.

LEGISLATOR CRECCA:

Motion to adjourn.

CHAIRMAN ALDEN:

Motion to adjourn by Legislator Crecca, seconded by myself. All those in favor? Opposed? We stand adjourned. Thank you very much.

(The meeting was adjourned at 10:00 a.m.)